



CANNON BUILDING
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STATE OF DELAWARE
BOARD OF MASSAGE AND BODYWORK

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PUBLIC MEETING MINUTES:	Board of Massage and Bodywork
MEETING DATE AND TIME:	Thursday, September 15, 2016 at 1:30 p.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room B , second floor Cannon Building
MINUTES APPROVED:	Approved October 20, 2016

MEMBERS PRESENT

Sandra Jachimowski, Professional Member, President
Jermaine Cannon, Professional Member
Kathy Sherwin, Public Member
Frank Beebe, Public Member
Rachel Dunning, Public Member
Danielle DiFonzo, Professional Member
Holly Overmyer, Professional Member, Vice President
Jermaine Cannon, Professional Member

MEMBERS ABSENT

DIVISION STAFF/DEPUTY ATTORNEY GENERAL/COURT REPORTER

Eileen Kelly, Deputy Attorney General
Zoe Plerhoples, Deputy Attorney General
David Mangler, Division Director
Christine Mast, Administrative Specialist III
Melanie Alexander, Administrative Specialist II

OTHERS PRESENT

Layton (LJ) Ward
Stacey Wetzstein
Melanie Schmer
Bryan Thornton
Mary Conard
Billie Jo Mowbray
Cameo Neeman

CALL TO ORDER

Ms. Jachimowski called the meeting to order at 1:37 pm.

REVIEW OF MINUTES

The Board reviewed the minutes from the August 18, 2016 meeting. A motion was made by Ms. Dunning, seconded by Mr. Beebe, to approve the minutes as presented. The motion carried unanimously

UNFINISHED BUSINESS

Re-Review of Applications

A motion was made by Ms. Overmyer, seconded by Ms. Dunning, to table the applications of: Juanita Gonzalez, LMT, and Eugene Ward, CMT, due to the disciplinary hearing running late. The motion carried unanimously.

Proposal to Deny Hearing of Michele Pine- CMT

A motion was made by Ms. Overmyer, seconded by Ms. Dunning, to table PTD hearing of Michele Pine due to the disciplinary hearing running late. The motion carried unanimously

NEW BUSINESS

Ratification of Massage Technician Certifications

A motion was made by Ms. Dunning, seconded by Ms. Difonzo, to approve the ratification of the Massage Technician applications of: Indian Conway, Richard J. Rangel, Charles J. James, Dazmend M.A. Saylor, and Loree Alvarado-Morado. The motion carried unanimously.

Ratification of License Massage Therapists

A motion was made by Ms. Dunning, seconded by Ms. Difonzo, to approve the ratification of the Massage Therapist application of: Kimberly M. Shahan, Lisa m. Johnson-Walls, Briana N. Dixon, Linda C. Nelson, Leondra Day, and Hemin Yao. The motion carried unanimously.

Continuing Education

A motion was made by Ms. Dunning, seconded by Ms. Sherwin, to **approve** all of the Continuing Education requests submitted as stated below. The motion carried unanimously.

1. Zing Nafzinger- Renewal Requests- **APPROVED**
 - a. Reiki I- 8 hours Elective
 - b. Reiki II- 8 hours Elective
2. American College of Healthcare Science- Renewal Request- **APPROVED**
 - a. CE 516 Aromatherapy for Massa- 6 hrs Elective
 - b. Aroma 101- Introduction to Aromatherapy- 6 hrs Elective
 - c. Aroma 305- Aromatherapy Chemistry- 6 hrs Elective
 - d. Herb 101- Basics of Herbalism- 19hrs Elective
 - e. NAT210, NAT211, NAT212 - Anatomy & Physiology- 19hrs Core
3. Holly Overmyer- **APPROVED**
 - a. Incorporating Hot Stones- 6 hrs Core

- b. Head, Neck & Sinus Massage- 4 hrs Core- Renewal Request
- c. Body Scrubs- 4hrs Elective

Application(s) for DAG Review

Review & Consideration of Hearing Officer Recommendations

A motion was made by Ms. Overmyer, seconded by Ms. DiFonzo, to table the recommendation for Tao Zhou due to the disciplinary hearing running late. The motion carried unanimously.

Review & Discussion of Consent Agreements

Review & Signing of Final Orders

Miscellaneous Review & Discussion

Disciplinary Hearing – Bryan Thornton – 1:30pm

The minutes from the hearing will be at the end of the regular minutes.

CORRESPONDENCE

Kelly Bell sent in a written request via email dated August 31, 2016 asking for an extension of her continuing education as well as her renewal date itself. She was previously made aware that the renewal date could not be extended, that only the continuing education requirement could be granted an extension by the Board.

A motion was made by Ms. Jachimowski, seconded by Ms. Overmyer, to grant her a 60 day extension for her continuing education and to remind her that the renewal could not be extended under any circumstances. The motion carried unanimously.

OTHER BUSINESS (for discussion only)

PUBLIC COMMENT

Mary Conard spoke to the Board about having them approve her to sit for the National Exam, Ms. Alexander explained that this is not something the Division or the Board has ever done in the past, and that she needs to submit her documents so that the Board can review them at the next meeting.

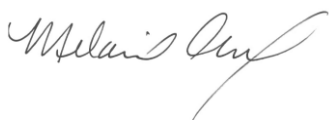
NEXT SCHEDULED MEETING

The next meeting is scheduled for October 20, 2016 at 1:30 p.m.

ADJOURNMENT

There being no further business before the Board, a motion was made by Mr. Beebe, seconded by Ms. Dunning to adjourn the meeting. The motion carried unanimously. The meeting went off record and adjourned at 6:20 p.m.

Respectfully submitted,



Melanie Alexander
Administrative Specialist II

HEARING MINUTES

Hearing- Disciplinary

The Delaware Board of Massage and Bodywork held a hearing on September 15, 2016 at 1:30 p.m. in the Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: Jermaine Cannon, Rachel Dunning, Holly Overmyer, Kathleen Sherwin, Danielle DiFonzo, and Frank Beebe

PURPOSE: Disciplinary Hearing

PRESIDING: Sandra (Ellie) Jachimowski, Board President

BOARD STAFF: Melanie Alexander, Administrative Specialist II

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Eileen Kelly, DAG

DEPUTY ATTORNEY GENERAL FOR THE COMPLAINT: Zoe Plerhoples, DAG

RESPONDENT: Bryan Thornton

WITNESS: Stacey Wetzstein, Melanie Schmer, Billie Jo Mowbray, and Cameo Neeman

COURT REPORTER: Kim Hurley

TIME STARTED: 1:40 p.m.

The hearing was recorded verbatim testimony by a court reporter. Ms. Kelly confirmed with Ms. Alexander that Mr. Thornton was present for the hearing. Ms. Kelly asked the Commission members to introduce themselves. Ms. Kelly summarized the reason for the hearing. Ms. Plerhoples waived an opening statement.

Ms. Plerhoples entered documents as: State's exhibit 1, Complaint dated July 1, 2016, State's exhibit 2, an online complaint dated March 29, 2016, States exhibit 3, a Board Order for Mr.

Thornton dated April 17, 2014, State exhibit 4, the application and questionnaire submitted by Mr. Thornton on June 30, 2010, States Exhibit 5, Criminal Background checks from the states of Virginia, and Maryland, States exhibit 6, document from Zen Spa, States exhibit 7, a response letter received on August 26, 2016 and but dates as August 17, 2016, States exhibit 8, copies of the Delaware and Maryland criminal codes for assault in the 2nd degree. A motion was made by Ms. Dunning, seconded by Ms. Overmyer to accept the exhibits into the record, the motion carried unanimously.

Mr. Thornton's said hello to the Board as his opening statement. Ms. Plerhoples stated she will call a witness up by the first name and that their initials are to be used in the final order. Ms. Plerhoples called on 5 witnesses individually who all testified and answered questions from the Board and Mr. Thornton. Ms. Plerhoples stated that she rests and will reserve the right to speak at closing argument. Mr. Thornton gave his testimony. The Board asked Mr. Thornton questions. Mr. Thornton had no witnesses. Ms. Plerhoples gave her closing statement. The Board went into deliberations at 3:45 p.m.

Ms. Sherwin made motion, seconded by Ms. Dunning, that the State did not meet the burden of proof with respect to on Count I (2) through (4). The motion carried unanimously.

Ms. Dunning made a motion, seconded by Ms. Sherwin, to agree that the State met the burden of proof with respect to Count I (5) through (6). The motion carried unanimously.

Ms. Dunning made a motion, seconded by Ms. DiFonzo, to agree that the State met the burden of proof with respect to on Count I (7). Ms. Sherwin was opposed.

Ms. Dunning made a motion, seconded by Ms. DiFonzo, to agree that the State met the burden of proof with respect to Count II paragraph 11(a) regulation 11.1.9. The motion carried unanimously.

Ms. Sherwin made a motion, seconded by Mr. Cannon, that the State did not meet the burden of proof with respect Count II to paragraph 11(b) regulation 11.2.7. The motion carried unanimously.

Ms. Dunning made a motion, seconded by Ms. Overmyer, to agree that the State met the burden of proof with respect Count II to 11(b) regulation 11.2.8. Ms. Sherwin and Mr. Cannon were opposed.

Ms. Sherwin made a motion, seconded by Mr. Cannon, that the State did not meet the burden of proof with respect to Count II paragraph 12 regulation 11.2.2. The motion carried unanimously.

After the Board reviewed and considered Count III of the complaint they found that it is not substantially related to regulations of the Board of Massage and Bodywork.

Ms. Sherwin made a motion, seconded by Ms. Overmyer, after much discussion to place Mr. Thornton on probation for 3 years, require in addition to the normal continuing education requirement that he must also complete 3 hours of boundaries and or ethics which may be taken online within 60 days. He must also find 3 Delaware Licensed Massage Therapists to mentor him for 2 hours with each one on Draping within 60 days. The mentors must submit a notarized letter explaining what education techniques he was taught on draping during their 2 hour session. Also, if any related complaint is filed with the Division Mr. Thornton will automatically be temporarily suspended pending a hearing. By unanimous vote, the motion carried. The hearing concluded at 6:13 p.m.

